

**UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF MISSISSIPPI,
WESTERN DIVISION**

HINSON PLUMBING COMPANY

PLAINTIFF

VERSUS

CIVIL ACTION NO. 5:07cv146-DCB-JMR

LAKE SIDE PLACE LLC; HINTON
CONSTRUCTION CO., INC.; AND
JOHN DOES 1-5

DEFENDANTS

ORDER

Currently pending before the Court is defendant Lakeside Place LLC's Motion to Dismiss for Failure to State a Claim or, Alternatively, for Judgment on the Pleadings [docket entry no. 12], which was filed on October 12, 2007. As of the date of this Order, the plaintiff has failed to respond to said Motion.

Upon an initial review of Lakeside Place LLC's Motion, the Court has determined that it should be treated as a Motion for Summary Judgment under Federal Rule of Civil Procedure 56. Accordingly, and pursuant to Federal Rule of Civil Procedure 56(c),

IT IS HEREBY ORDERED that the plaintiff is advised that after ten (10) days from the date of this Order, the defendant Lakeside Place LLC's Motion [docket entry no. 12] will be considered by this Court as a Motion for Summary Judgment.

SO ORDERED, this the 6th day of December 2007.

s/David Bramlette
UNITED STATES DISTRICT JUDGE